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SEA

SERVICE DATE – MARCH 11, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 461X)

**BNSF Railway Company – Abandonment Exemption –
in Marion County, MO**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a petition of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Marion County, MO. The rail line (Line) proposed for abandonment extends from milepost 13.86 to milepost 14.42, near Palmyra, Marion County, MO, a distance of 0.56 miles. BNSF states that the Line traverses U.S. Postal Service Zip Code 63461 and does not include any federally granted rights-of-way. The right-of-way is generally 100 feet wide. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the BNSF would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

BNSF has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The proposed abandonment would permit BNSF to eliminate 0.56 miles of rail line. According to BNSF, the Line was taken out of service on March 15, 2006, due to poor bridge and track conditions. BNSF also states that there is no overhead traffic and is not aware of any potential for rail traffic over the Line.

BNSF states that for many years, the Line has served multiple shippers but that over the last few years in particular, rail activity has seen minimal inbound shipments and no outbound shipments. BNSF states that in the recent past, the Line provided lease service to an oil company, an agricultural co-op, and Great Central Lumber. According to BNSF, the oil company moved and ceased service prior to 2004. The agricultural co-op remains under lease

service, but has not had any rail activity in several years. According to BNSF, the Great Central Lumber (GCL) is the only customer who has utilized the Line in the past two years. However, GCL's use has been minimal, transporting only a total of 30 shipments, primarily of plywood and lumber, in the last two years, which is an average of less than one carload per month. BSNF further states that beginning March 2006, GCL began to receiving shipments at an area depot located west of the proposed abandonment.

BNSF states that there are no reasonable alternatives to the proposed abandonment. There are no other current rail customers on the Line and no location of a new rail served industry along the Line is anticipated. Additionally, there is no overhead traffic. Therefore, if the abandonment is approved, it appears that there will be no adverse impact to regional or local transportation systems and patterns. Furthermore, BNSF states that, if approved, that the abandonment would result in the elimination of two public and two private at-grade crossings.

BNSF states that, if the abandonment is approved, it intends to salvage the rails and associated materials but would leave the ballast and culverts in place. BNSF does not intend to disturb any sub-grade or sub-grade structures. BNSF states that it would conduct limited salvage activities using the existing rail right-of-way accessed by existing public and private at-grade crossings. No new access roads are contemplated. BNSF states that abandonment, if approved, would include removal of the rails and ties, including the single bridge and any at-grade crossings.

BNSF does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. Furthermore, BNSF states that any culverts and the rail embankment would remain in tact so as not to alter the prevailing waterflows. The single bridge would be removed by having the pilings either pulled out, cut off at ground level, or broken off at or below the mud line.

In addition, BNSF states that it believes that the proposed abandonment is consistent with existing land use plans. BNSF spoke to Mr. Lauren Graham, Palmyra City Mayor, who indicated minimal interest in converting the Line into a trail. Mr. Graham also indicated that the City of Palmyra may be interested in removing the overpass located at milepost 14.42 to widen the underlying roadway. In a letter dated June 5, 2007, Mr. Nathan Briggs, Right of Way Manager, Northeast District, Missouri Department of Transportation (MODOT), states that MODOT has no plans for a highway a relocation project at this time within the area of the existing railroad.

In a letter dated June 18, 2007, Mr. Mitch Krueger, District Conservationist, U.S. Department of Agriculture, Natural Resources Conservation Service, states that there is one area of prime agricultural land within the area of the proposed abandonment. In a follow-up telephone conversation, Mr. Krueger states that his office has no concerns regarding the proposed abandonment.

BNSF states that it is unaware of any known hazardous waste site or sites on the right-of-way.

In a letter dated June 25, 2007, Mr. Robert Maydwell, Grants Management Assistant, National Park Service, U.S. Department of Interior, states that the proposed abandonment poses no conflicts with the Land and Water conservation Fund or the Urban Park and Recreation Recovery programs.

In a letter dated May 30, 2007, Ms. Marcia Sieckman, Supervisor, Lands and Renewable Resources Team, Milwaukee Field Office, Bureau of Land Management, U.S. Department of Interior (BLM), states that there are no Federally administered lands along the Line. BLM also states that some of the original railroad grants were limited fee rights-of-way and may be subject to the Railroad Right-of-Way Forfeiture and Abandonment Act and the National Trails System Improvement Act.

In a letter dated August 22, 2007, Mr. Curt Gately, Environmental Specialist IV, Missouri Department of Natural Resources (MO-DNR), states that the abandonment activities would require a land disturbance storm water permit. However, in a subsequent telephone conversation, Mr. Gately states that a land disturbance storm water permit would only be required if the abandonment would affect over one acre of land.

In an e-mail dated July 26, 2007, Mr. Gene Walsh, Project Manager, Enforcement Section, Army Corps of Engineers, states that the proposed project would not require a Section 404 permit provided that the structural debris is disposed of in an upland non-wetland site.

In a letter dated June 13, 2007, Mr. Stephen Smith, NEPA Reviewer, U.S. Environmental Protection Agency, Region VII (EPA), notes that BNSF should contact MO-DNR regarding Section 402, NPDES permits, and potential underground storage tanks in the vicinity of the proposed abandonment.

As recommended by EPA, BNSF contacted MO-DNR. Mr. Gately of MO-DNR stated that permits would only be required if the proposed project would affect more than one acre of land. Mr. Gately further stated that underground storage tanks are not a concern in the vicinity of this abandonment.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, SEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

BNSF states that the Line's right-of-way is generally 100 feet wide. In its Environmental and Historic Report, BNSF states that much of the right-of-way was originally acquired by warranty deed between 1854 and 1857 by the Hannibal & St. Joseph Railroad (H&SJ). The remainder was obtained through adverse possession and tacit permission in approximately 1900.

H&SJ was a predecessor to Chicago, Burlington & Quincy Railroad Company (CB&Q). In 1970, CB&Q merged with Great Northern Railway Company, Northern Pacific Railway Company, and the Pacific Coast Railroad Company to become Burlington Northern, Inc. In 1981, Burlington Northern, Inc. changed its name to Burlington Northern Railroad Company (BNRR). BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1966 to become The Burlington Northern and Santa Fe Railway Company, whose name changed to BNSF Railway Company in January 2005.

According to BNSF, the underlying real estate proposed for abandonment totals 6.83 acres and is 78% non-reversionary and 22% reversionary. Furthermore, there are no Federal grants involved in the original acquisition of the right-of-way.

BNSF states that there are one bridge and four culverts located on the Line that are 50 years old or older. The lone bridge, which is located at milepost 14.41, is a 19-foot long pile trestle bridge and was constructed in 1903. BNSF is unaware of whether the bridge has been significantly altered since its construction.

BNSF served the historic report on the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c).¹ In a letter dated September 24, 2007, Mr. Mark Miles, the SHPO, stated that BNSF had provided adequate documentation and that no historic properties would be affected. Based on available information, the SHPO has submitted comments stating that the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), and following consultation with the SHPO and the public, SEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for

¹ Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following seven tribes may have an interest in the proposed abandonment: 1) Iowa Tribe of Kansas and Nebraska, 2) Iowa Tribe of Oklahoma, 3) Osage Tribe of Oklahoma, 4) Peoria Tribe of Indians of Oklahoma, 5) Sac & Fox Nation of Missouri in Kansas and Nebraska, 6) Sac & Fox Nation, Oklahoma, and 7) Sac & Fox Tribe of the Mississippi in Iowa. Accordingly, SEA is sending a copy of this EA to each of the nine identified tribes for review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

CONDITIONS

SEA recommends that no condition be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 461X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: March 11, 2008.

Comment due date: April 11, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment